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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,560	09/04/2003	Jamison J. Anton	13915	6410

7590 11/10/2005  
ILLINOIS TOOL WORKS INC.  
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EXAMINER

JOHNSON, VICKY A

ART UNIT PAPER NUMBER

3682

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/655,560

Applicant(s)

ANTON ET AL.

Examiner

Vicky A. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-10,15,16 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 5-9 is/are allowed.
- 6) ☒ Claim(s) 10, 15, 16, and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 10, 15, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10 it is unclear if the " a seal" in line 7 is the same "an O-ring seal" in line

12. The specification and the drawings only disclose one seal (18). For this office action, they are being considered as the same seal.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Orita (US 6,725,984).

Orita discloses a damper comprising: a housing (2) having an opening and a cylindrical wall (see Fig 4B); a cover (13) over said opening; said cover including a flange slidable into the housing along said cylindrical wall (first stepped portion from top

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of cover, see Fig 4B), a rotor (7) rotatably disposed in said housing, said rotor extending outwardly of said housing through said cover (see Fig 4B); said rotor including a flange (unnumbered portion next to 12), a seal (12) between said cover and said rotor; and a v-shaped channel (see Fig 4B, the corners are v-shaped, there is no other limitation regarding the orientation of the channel other than the shape) disposed in said housing and a ring (see Fig 4B, second stepped portion) disposed on the cover, said channel having walls defining said channel (see Fig 4B), and said ring being rectangular in cross-section and including edges received against said walls (see Fig 4B), an o-ring seal (12) positioned on said flange of said rotor between the rotor and said flange of the cover (see Fig 4B).

Re claim 15, the method of assembly is not germane to patentability of the device itself; therefore the limitation of ultrasonic welding has not been given patentable weight.

Re claim 16, said rotor including an end, and said housing including a base defining a depression, said end of said rotor being disposed in said depression in said base (see Fig 4B).

5. Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Mizuno et al (US 6,634,033).

Mizuno et al discloses a housing (2) defining a side wall and an enclosed chamber for holding damping fluid (see Fig 5), said housing including ribs (9) extending inwardly in the chamber, a rotor (3) having a first portion (31) rotationally disposed in the

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chamber and a second portion (32) extending outwardly from the chamber, the rotor including a flange having shaped surfaces on a side thereof facing the ribs (see Fig 5), each said surface including a more distant surface and a more near surface with respect to the ribs (see Fig 5), with a ramp (71) extending between the distant surface and the near surface, such that spaces between the ribs and the surfaces decrease or close when the rotor is rotated in one direction and increase or open when the rotor is rotated in an opposite direction (see Fig 5).

***Allowable Subject Matter***

6. Claims 1 and 5-9 are allowed.

***Response to Arguments***

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the Orita reference fails to meet the limitations of the claims because the reference fails to disclose the structure disclosed in the applicant's Figures 4 and 8. It is agreed, but the claims do not completely describe the drawings. The v-shaped groove limitation is met by the Orita reference, because the cylindrical wall and bottom wall meet to form a v-shape, and therefore meets the limitations of the claims. The claims do not provide any orientation for the direction in which the v-shape is directed. The limitation of something having a v-shape is a broad limitation, because the shape of the "v" can vary.

The applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Vicky A. Johnson 11/7/05  
Examiner  
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